

ORIGINAL
BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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In re Amendment of

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Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Livingston, Alabama

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) File No. Federal Communications Commission
) Office of Secretary
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To: *Marlene H. Dortch, Secretary, FCC*
Attn: Chief, Audio Division

PETITION FOR RULE MAKING

Comes Now, **Sumter County Broadcasting** (hereinafter "SCB"), by Counsel and pursuant to Section 1.401 and 1.420 of the Commission's Rules, and hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules, the Table of FM Allotments. Specifically, SCB requests that the Table of FM Allotments be amended so as to allocate Channel 242A to Livingston, Alabama, as that community's first broadcast channel. In support of this Petition, the following is stated:

I Livingston, Alabama is a Community in Need of a Broadcast Facility.

Livingston, Alabama, is designated a city with a population of 3,297 persons according to the 2000 U.S. Census. Livingston has its own local government consisting of a Mayor, the Honorable Thomas M. Tartt, III and a five member city council. Livingston has its own police force with 10 officers, and emergency services are provided by the Livingston Fire Department. Livingston is the home of several businesses including the University of West Alabama, numerous hotels such as Comfort Inn and Western Inn and four full scale industrial parks. Additionally, the community is served by ten places of worship. Livingston is the home to four schools, Livingston Head Start, Livingston Jr. High, Livingston High School, and Sumter

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Academy. Also, Livingston is, of course, the Home of the "Tigers" of the University of West Alabama. Despite Livingston's status, no broadcast facilities of any type are allocated to the community. Allocation of Channel 242A would remedy this deficiency.

II Allocation of Channel 242A to Livingston, Alabama can be accomplished in Accordance with the Commission's Technical Requirements for New Allocations.

Allocation of Channel 242A to Livingston, Alabama can be accomplished in complete accordance with the Commission's Rules governing allocations. Specifically, as the attached study¹ demonstrates, the proposed allocation meets all spacing requirements.² In addition, as is depicted on the attached coverage map,³ city-grade coverage would be achieved over all of Livingston from the proposed reference coordinates.

III Allocation of Channel 242A to Livingston would be in the Public Interest.

The allocation of Channel 242A to Livingston would be in the public interest. The proposal would permit Livingston to receive its first local full-service broadcast facility of any type, thereby serving the highest of the Commission's allocation priorities:

[T]here are virtually no populated areas of the country where our higher allotment priorities, such as first reception service, have not been attained. Therefore, as a practical matter, provision of first local service is the highest of our allotment priorities which remains in any significant degree unsatisfied.

Amendment of the Commission's Rules Regarding Modification of FM and TV

Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7096 (1990).⁴

¹ See Exhibit 1.

² The proposed reference coordinates are 32-35-36 x 88-09-57.

³ See Exhibit 2.

⁴ As the Commission explained in *Revision of FM Assignment Policies and Procedures*, the FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural

(continued...)

IV If Channel 242A is Allocated to Livingston, SCB Will Apply for Facilities to Operate on the Channel and, if such Application is Granted, will Construct Such Facilities.

As required by the Commission, SCB hereby commits to apply for an authorization to construct the requisite facilities on Channel 242A at Livingston if the allocation is adopted by the Commission. In addition, SCB commits to construct such facilities if awarded such construction permit.

Conclusion

As has been demonstrated above, allocation of Channel 242A to Livingston, Alabama, would be in the public interest inasmuch as it would allow the community to enjoy its first local transmission service. Accordingly, SCB respectfully requests that the Table of FM Allotments be amended as follows:

Community	Present	Proposed
Livingston, Alabama	-----	242A

⁴(...continued)

service; (3) first local service; and (4) other public interest matters (with co-equal weight being given to priorities (2) and (3)). 90 FCC 2d 88, 91 (1982).

Respectfully submitted,


SUMTER COUNTY BROADCASTING

By. _____

John C. Trent
Its Attorney

September 26, 20003

Law Offices

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PETITION FOR RULE MAKING
SUMTER COUNTY BROADCASTING
ALLOT CHANNEL 242A
LIVINGSTON, ALABAMA
September 2003

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Sumter County Broadcasting ("SCB"). SCB herein proposes an amendment to §73.202(b) of the Commission's rules by allotting Channel 242A to Livingston, Alabama, as that community's first local FM service. Livingston is located in Sumter County, Alabama. According to the U.S. Census, Livingston has a population of 3,297 persons.¹ Livingston has a Mayor and five member town council. Livingston provides fire and police services to its residents.

DISCUSSION

2. Channel 242A can be allotted to Livingston, Alabama, at reference coordinates North Latitude 32° 35' 36" and West Longitude 88° 09' 57". This represents a site restriction 2.1 kilometers east-southeast of the community to avoid shortspacing WUSJ, Channel 242C0, Jackson, Mississippi.² Attached as Exhibit #1 is a map which shows where a transmitter site for Channel 242A at Livingston, Alabama, can be located. Attached as Exhibit #2 is a §73.207 spacing analysis demonstrating that Channel 242A at the proposed reference site meets the

1) 2000 Census data.

2) WUSJ has commenced operation on Channel 242C0 at Jackson, Mississippi, with the facilities authorized in its outstanding permit and has submitted a license to cover (BLH-20030808ABH).

Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities.³ From the proposed reference site, a 70 dBu (3.16 mV/m) contour will be delivered to all of Livingston.

3. Therefore, SCB herein requests the following change to the Table of Allotments:

Livingston, Alabama

Present	Proposed
None	242A

PUBLIC INTERESTS

4. The allotment of Channel 242A will provide Livingston with its first local licensable FM station. From the proposed reference site, the Channel 242A allotment will provide service to 16,1476 persons in 2,516.1 square kilometers.⁴ Once Channel 242A is allotted to Livingston, Alabama, SCB will submit its continuing expression of interest or other necessary filing requesting a permit to construct a new FM station on Channel 242A at Livingston, Alabama.

5. The foregoing was prepared on behalf of Sumter County Broadcasting by Graham Brock, Inc., its Technical Consultants. All data relating to FM facilities was extracted from the CDBS database. We assume no liability for errors or omissions in that database, which may be adverse to the requests contained herein.

3) The licensed facilities of WUSJ on Channel 242C are not considered, since the station is operating with its downgraded facilities on Channel 242C0.

4) This is based on a service radius of 28.3 kilometers from the reference site (no terrain variations).

Graham Brock, Inc. - Broadcast Technical Consultants

Allocation Reference
 Latitude: 32-35-36 N
 Longitude: 088-02-57 W
 ERP: 8.00 kW
 Channel: 242A
 Frequency: 95.3 MHz

WUSJ CP LIMIT

32-45-30 N

083-30-00 W

CLASS A CITY GRADE LIMIT

WXXK

WALL LIMIT

USABLE AREA

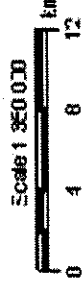
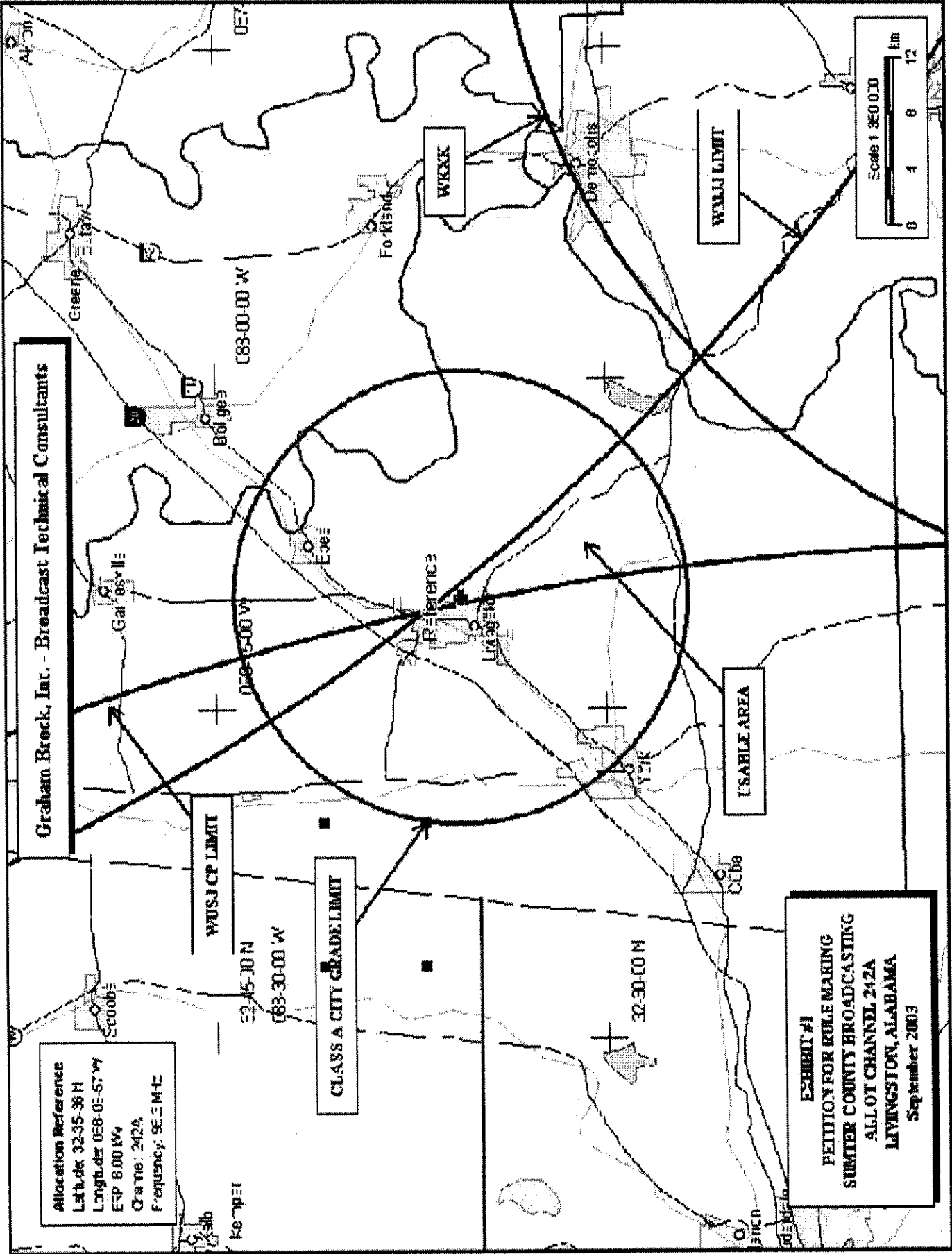


EXHIBIT #1
 PETITION FOR RULE MAKING
 SUMTER COUNTY BROADCASTING
 ALL OT CHANNEL 242A
 LIVINGSTON, ALABAMA
 September 2003



PETITION FOR RULE MAKING
SUMTER COUNTY BROADCASTING
ALLOT CHANNEL 242A
LIVINGSTON, ALABAMA
September 2003

EXHIBIT #2

Allocation study for Livingston, Alabama
Using proposed allocation site as reference

REFERENCE			CLASS = A			DISPLAY DATES		
32 35 36 N						DATA 09-13-03		
88 09 57 W			Current Spacings			SEARCH 09-16-03		
----- Channel 242 - 96.3 MHz -----								
Call	Channel	Location	Dist	Azi	FCC	Margin		
	N. Lat.	W. Lng. Ant	Power	HAAT				

RADD	ADD 242A	Livingston	AL 0.00	0.0	115.0	-115.00		
	32 35 36	88 09 57	0.000 kW	000 M				
	> Proposed new allotment							

WUSJ	LIC 242C	Jackson	MS 214.15	260.0	226.0	-11.85		
	32 14 26	90 24 15 CY	100.000 kW	430 M				
	New South Communications		BLH-19820203AE					

WUSJ.C	CP -N 242C0	Jackson	MS 215.45	258.6	215.0	0.45		
	32 11 29	90 24 22 NCX	100.000 kW	391 M				
	New South Communications		BPH-20021205ABV					

WMJJ	LIC 243C0	Birmingham	AL 152.77	51.4	152.0	0.77		
	33 26 38	86 52 47 CX	100.000 kW	313 M				
	Capstar TX Limited Partnership		BMLH-20030207AAL					

WKXK.C	CP -Z 244C2	Pine Hill	AL 79.09	136.8	55.0	24.09		
	32 04 24	87 35 27 ZCX	41.000 kW	163 M				
	Autaugaville Radio, Inc.		BPH-20020925AAQ					

RDEL	DEL 239C1	Tuscaloosa	AL 101.81	56.6	75.0	26.81		
	33 05 38	87 15 15	100.000 kW	299 M				
	>Proposed deletion/change of community							

WBHJ	LIC-N 239C1	Tuscaloosa	AL 101.81	56.6	75.0	26.81		
	33 05 38	87 15 15 NCN	100.000 kW	299 M				
	CXR Holdings, Inc.		BLH-19950411KA					

WLZA	LIC 241C2	Eupora	MS 134.57	322.2	106.0	28.57		
	33 32 51	89 03 22 CN	40.000 kW	167 M				
	Tri County Broadcasting		BLH-19890421KB					

WKXK	LIC-Z 244C3	Pine Hill	AL 79.09	136.8	42.0	37.09		
	32 04 24	87 35 27 ZCN	9.000 kW	166 M				
	Autaugaville Radio, Inc.		BLH-19990803KE					

Note : WUSJ is operating pursuant to automatic program test authority with the facilities authorized in BPH-20021205ABV. A license to cover the permit is pending (BLH-20030808ABH)								

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

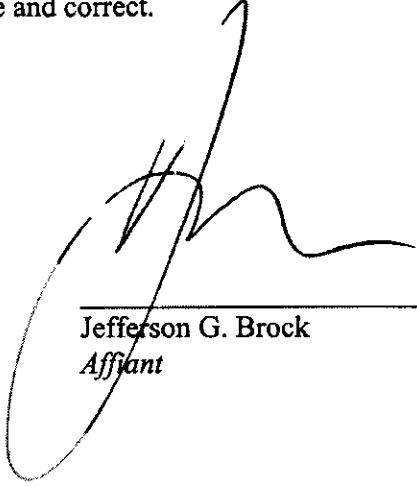
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Sumter County Broadcasting to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 19th day of September, 2003.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 19th day of September, 2003.*



Notary Public, State of Georgia
My Commission Expires: April 16, 2006